

FILED

United States District Court  
Albuquerque, New Mexico

Mitchell R. Elfers  
Clerk of Court

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA, )  
                                  )  
Plaintiff,                   ) CRIMINAL NO. 20-1867 MV  
                                  )  
vs.                            )  
                                  ) Count 1: 18 U.S.C. §§ 1153 and 1112:  
**JOSHUA GUTIERREZ,**      )  
                                  ) Voluntary Manslaughter;  
Defendant.                    )  
                                  ) Count 2: 18 U.S.C. § 924(c)(1)(A)(iii):  
                                  ) Using and Carrying a Firearm During and  
                                  ) in Relation to a Crime of Violence, and  
                                  ) Possessing a Firearm in Furtherance of  
                                  ) Such Crime; Discharging Said Firearm.

INFORMATION

The United States Attorney charges:

Count 1

On or about March 29, 2020, in Indian Country, in Cibola County, in the District of New Mexico, the defendant, **JOSHUA GUTIERREZ**, an Indian, upon a sudden quarrel and heat of passion, unlawfully killed John Doe and in so doing acted recklessly with extreme disregard for human life.

In violation of 18 U.S.C. §§ 1153 and 1112.

Count 2

On or about March 29, 2020, in Cibola County, in the District of New Mexico, the defendant, **JOSHUA GUTIERREZ**, knowingly used and carried a firearm, during and in relation to a crime of violence for which the defendant may be prosecuted in a court of the United States, specifically, voluntary manslaughter as charged in Count 1 of this information, and possessed said firearm in furtherance of such crime, and the firearm was discharged.

In violation of 18 U.S.C. § 924(c)(1)(A)(iii).

FORFEITURE ALLEGATION

The allegations contained in Counts 1 and 2 of this Information are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c).

Upon conviction of the offenses in violation of Title 18, United States Code, Section 924(c) set forth in Count 2 of this Information, the defendant, **JOSHUA GUTIERREZ**, shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), any firearms and ammunition involved in the commission of the offense, including, but not limited to: .380 Ruger LCP Serial Number 371771904.

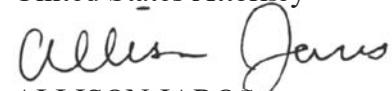
If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), as incorporated by Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described above.

JOHN C. ANDERSON

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